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Report : Petition of B. Holladay

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IN THE SENATE OF THE UNITED STATES.

FEBRUARY 9, 1880.—Ordered to be printed.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 231.]

The Committee on Claims, to whom was referred the petition of Benjamin Holladay, praying compensation for spoiliations by Indians on his property while engaged in carrying the mails of the United States under a contract with the United States, and for damages and expenses incurred in consequence of the change of his mail-route in compliance with the military orders, and for property taken and used by the military forces of the United States, has considered the said petition, and submit the following report thereon:

On the 26th day of November, 1877, the Senate Committee on Claims, having had this case under consideration, reported a bill (S. 346) referring the said claim of Mr. Holladay to the Court of Claims. The bill was accompanied by a report of which the following is a copy:

This memorial was presented in the Senate during the Forty-fourth Congress, and was referred to the Committee on Claims. It was considered by that committee, and on the 17th day of January, 1877, it was reported back to the Senate, accompanied by a written report. Your committee have gone carefully over all the papers in the case, which are voluminous, and we adopt the report made by Senate Committee on Claims to the Forty-fourth Congress, which is as follows:

The memorialist avers in his memorial, in brief, that he is a citizen of the United States; that from the year A. D. 1860 until the 13th day of November, A. D., 1866, he was contractor for the transportation of the United States mails on what was then known as the Overland Mail Route, between the Missouri River and Salt Lake City, in the Territory of Utah; that in the performance of his service in the transportation of the United States mails, amounting during much of said time to more than fifty tons of mail-matter per quarter, he employed 110 coaches, 1,750 horses and mules, and upward of 450 men; that he was, at great expense, compelled to erect buildings, houses, stables, stations, and shelters for the convenience, shelter, and protection of his men and animals along said mail-route and its tributaries; and also to provide, at great expense of cost and transportation, large supplies of food, forage, and wood.

It is further alleged that, while so engaged in the discharge of his duties as such contractor, his service was interfered with, impeded, and obstructed by large and numerous bands of Indians, who murdered his agents, servants, and employés, captured and carried away large numbers of his horses and mules, burned his store-houses, station-houses, barns, stables, large quantities of forage, provisions, wagons, harness, clothing, and other property which had been provided by him for properly conducting the business of the transportation of the United States mails over said route, and which he was compelled to replace at great expense and with tedious delays and damage in order to enable him to continue properly to perform such postal service for the United States Government.

The memorialist further complains that after he had erected his buildings, as heretofore stated, and secured his supplies for men and horses, &c., at his several stations along said mail-route, he was compelled, in consequence of the Indian depredations, by military orders, to abandon a large number of his buildings and stations and a very considerable amount of his supplies, and to change the line of his mail-route to parallel lines far distant from the first route; that he was also compelled, on making such changes, to erect new buildings, stations, houses, barns, &c., with constantly increasing expenses and losses.

The memorialist further avers that while so engaged in the transportation of the mails, large quantities of his hay, grain, and other supplies were taken by the military authorities of the United States and by them carried away for the use of the government troops and the government agents, and by them used for the benefit of the Government of the United States, and for which no compensation has ever been made to memorialist.

The memorialist states as a reason for delay in urging his claim for compensation for his losses, as stated, that his claims were presented to Congress in A. D. 1866; that on the 24th day of January of that year his petition for redress was referred to a committee of the House of Representatives, and that subsequently, by a disagreement of the two houses of Congress as to the measure of relief to be granted, the bill failed by the adjournment of Congress.

Your committee, on a careful consideration of the testimony, find that the memorialist was a mail-contractor, and did carry the United States mails on what was then known as the Overland Route from the Missouri River to Salt Lake City, Utah Territory, from the ——— day of September, A. D. 1861, until the 13th day of November, A. D. 1866, continuously; that in the performance of this service he employed 110 coaches, over 1,700 horses and mules, and about 450 men; that he was at great expense in erecting buildings, houses, stables, stations, and shelters for the convenience, shelter, and protection of his men and animals, and in supplying at his various stations food, forage, and wood; that the length of said route was about 1,200 miles, and lay almost exclusively through the Indian country.

Your committee further find that during said period, and while memorialist was so engaged in transporting said United States mails, his service was interfered with and obstructed by large and hostile bands of Indians, who murdered his agents, servants, and employes, captured and carried away large numbers of his horses and mules, provisions, stores, wagons, and other property of great value, and who burned large numbers of his store-houses, barns, stables, and large quantities of forage, provisions, wagons, harness, clothing, and other property, and which said Benjamin Holladay was at great cost and expense in replacing; that said depredations were continued during the greater portion of the time that said Holladay was so engaged in transporting said mails on said route, and the effect of which was to prevent travel over said line, and to render it a task of constant peril to the men engaged in running said coaches and in transporting said mails; that the evidence as to the amount and value of the property so taken and appropriated, being in the form of *ex-parte* affidavits, is, to a great extent, unsatisfactory; and your committee, although satisfied that a large amount of valuable property belonging to memorialist was so taken, do not feel justified in attempting to determine with any degree of accuracy the amount or value thereof.

Your committee further find from the testimony that, during the time said Indian depredations were being carried on, the Government of the United States, through the military authorities, undertook to give protection to said memorialist, and to guard his said mail-route and property from further interference on the part of said Indians; and, in order to give such protection, said Holladay was, by military orders, compelled to change the line of his said mail-route to parallel lines far distant from the first route; that on the 2d day of December, A. D. 1864, Col. J. M. Chivington, then in command of that military district, issued the following military order:

HEADQUARTERS DISTRICT OF COLORADO,
Denver, December 2, 1864.

SIR: I am directed to furnish your line complete protection against hostile Indians, which I can only do by its removal from the Platte to the Cut-off route. As it now runs, I am compelled to protect two lines instead of one. You will therefore remove your stock to the Cut-off route, which will enable me to use troops retained for an active campaign against these disturbers of public safety.

I am, sir, with respect, your obedient servant,

J. M. CHIVINGTON,
Colonel, Commanding District.

BENJAMIN HOLLADAY, Esq.,
Proprietor Overland Stage Line.

Your committee find that, in pursuance of this military order, said Benjamin Holladay removed his stage-line from the route it was then on, from Junction City to sixty miles northwest from Denver City, over and on to an entire new route, many miles—an average of thirty miles—distant from the old route, and for a distance in length of about 140 miles; that in making this change of route in accordance with said military order said Holladay was put to great cost and expense in removing barns, houses, stations, corrals, stock, provisions, and other property, and was necessarily compelled to abandon other houses, stations, barns, and other property of value that could not be moved to the new route.

Your committee further find that large quantities of hay, grain, and other supplies, belonging to said memorialist, were taken by the military authorities, under direction of military commanders of the United States forces, and by them used in the subsistence of government troops then in service on the plains along the line of said overland mail-route, and for which no compensation was ever made; that the amount and value, respectively, of property lost and abandoned by reason of said military order, and of property so taken and used by the military authorities as a necessity for the use of the government troops, and the cost and expense of changing said mail-route, do not definitely appear from the evidence in the case.

To summarize: Your committee find that the grounds of relief presented by the memorial and evidence are of the three following classes:

1st. For property taken and destroyed by hostile bands of Indians, which property belonged to memorialist, and was, at the time the same was so taken and destroyed, being used by him as a mail-contractor in the business of the transportation of the United States mails through an Indian country, and at a time during which the Government of the United States, through its agents, the President and the Postmaster-General, had given assurances of protection against Indian depredations, and against which depredations the Government of the United States attempted, so far as in its power, through its military arm, to protect memorialist;

2d. For property abandoned and lost necessarily, and the cost and expense of transferring other property, by reason and in pursuance of a military order of the United States Government; and

3d. For the value of property, hay, grain, and other supplies, belonging to memorialist, taken and used by the military authorities of the United States for the use and benefit of the Government of the United States.

As to the liability of the government to make just compensation to the memorialist for the claims specified in the two classes last designated, there can, in the judgment of your committee, be no room for controversy or doubt. And your committee, passing over these, would inquire into the more debatable proposition as to the liability of the government in equity and good conscience on the facts presented in the class first specified. And your committee, in determining this question, have carefully considered it, not only on principle and in the light of that well-established relation existing between the government and its contractors engaged in the transportation of the mails, but also in the light of legislative precedents. The question, while it bears a certain degree of sameness to the liability of the general government to the individual citizen not engaged in performing government service, to make compensation for damages resulting from Indian depredations, is not that case, but, on the contrary, quite another and different one. And the fact that the latter might be decided in the negative does not by any means control rightfully the decision of the case at bar.

While, should the case as to the right of the private citizen to recover in such contingency be decided in the affirmative (and upon that question the committee do not pass), *a fortiori* may the question as to the duty of the government to afford protection to its mail-contractors engaged in the business of transportation of the United States mails through an Indian country, and to make just compensation on failure to give such protection, be decided in the same way. The case under consideration, furthermore, is peculiarly exceptional, from the fact that protection was repeatedly affirmatively guaranteed by the government, and from other circumstances herein stated, and its determination either way should not be regarded as a rule applicable to mail-contractors generally, or a precedent for cases where these exceptional circumstances do not exist. Without pausing, therefore, to inquire into the former proposition as one foreign to, and the decision of which is not necessarily involved in, the present investigation, and bearing steadily in mind the distinction between the two, your committee come directly to the consideration of the question as to the liability of the government, in equity and good conscience, for damages resulting to a person engaged in transporting the United States mails through the Indian country of the United States, by the appropriation or destruction by force of his property by him being used in said government business, by hostile bands of Indians, under the exceptional circumstances of this case.

It must be conceded that the regular transportation of the United States mails with "celerity, certainty, and security" is a matter of vital importance to the business, political and social interests, and commercial prosperity of the whole people. And, to

accomplish this, the good faith and fidelity of the contractor, united with every reasonable and necessary protection upon the part of the government, whereby all interruptions to the line by obstruction to the route would be prevented, would seem to be necessary; and only by the strict performance of such reciprocal obligations upon the part of government and contractor can this important branch of the government service be faithfully performed. And acting upon this identical idea, the government has, since the days of the Confederation, legislated by the enactment of criminal statutes for the protection of mail-routes and against interruption of United States mails. And to-day it is a criminal offense in the United States to rob the United States mails by threatening the carrier. Before the United States mails can be transported between two or more points in our country, a post-route must, by the authority of Congress, be established between those points. This is the first indispensable step to the transmission of the mails between such points. And one principal reason why this is so is in order that the jurisdiction of Congress to protect the mails from interruption and to afford protection to the carrier on the route may be complete. Yet, while this is true in all ordinary cases, the liability of both contractor and government should be determined by the terms of the written contract. In the present case a mail-route was established between the border line of the eastern settlements and those pioneer people who, not content with the slow progress of simply moving the frontier line west by solid and self-protecting settlements, forced their way in advance across the great American desert and over and through the passes of the Rocky Mountains, and built the foundations of empire on the coast-line of the Pacific. Mail communication became a necessity between the East and the extreme West, and the track of that communication lay, of necessity, across a wilderness inhabited by hostile and savage men. To establish such a mail-route and force the mails over it was an undertaking upon the part of the government that challenges a parallel in the history of mail transportation, commands admiration, and is highly illustrative and characteristic of the indomitable enterprise and unyielding energy of the American people; for no government in the world ever before established weekly, much less daily, lines of mail-service over hundreds and thousands of miles of waste desert and unsettled country, even in the absence of dangers incident to a country infested with hostile bands of predatory Indians. The government availed itself of the private enterprise of its citizen, the memorialist, to perform this hazardous service, and the obligation, in equity and good conscience, to protect him and his property when Indian hostilities commenced, which was subsequent to the commencement of this service, was at once acknowledged by the government. That the government so understood it at the time is plainly evident from the fact that it did attempt to afford such protection by placing a portion of the United States Army along the line of said route, and by changing a portion of said line by military order, to the end that more complete protection might be afforded. If the government failed in its protection, it was not the fault of him who undertook its business; and if it did fail without any lack of diligence or good faith upon the part of the contractor, and by reason of such failure the contractor suffered in the loss of his property, we are of the opinion that, under the exceptional circumstances of this case, the government should make that loss good. It should be borne in mind, moreover, that during most of the time covered by the depredations complained of there were peculiar and pressing reasons why mail communication should be kept up between the Mississippi Valley and Pacific States and Territories.

Our country was engaged in what at times seemed almost a hopeless struggle for the preservation of its existence, a struggle wherein not only the secession of Southern States became, so far as in their power to accomplish it, a fixed fact, but wherein the establishment of a Pacific confederacy was to many minds a more than probable consummation. Surrounded by these circumstances, with a hostile foe to both man and civilization scattered along the whole length of this route, it would have been sheer madness upon the part of any contractor to have attempted, in the absence of protection from the Federal Government, to continue to transport the United States mails across this almost trackless realm; and to presume that the the Post-Office Department and the Government of the United States ever intended such a thing would be to suppose them capable of expecting impossibilities at the hands of their contractors, a thing unworthy of the private citizen, much more so that of a just and generous government. The fact that protection was in part given is in harmony with the idea just expressed, that the government understood it to be its duty to give protection. The importance, therefore, of maintaining this line of communication across our continent during this critical period of our nation's history, coupled with the fact of the utter impossibility to maintain it after Indian hostilities commenced, except either by a body-guard furnished by the government or by an enormous sacrifice upon the part of the contractor, would seem to imply an equitable obligation of the strongest possible character upon the part of the government to make just compensation for losses sustained by the contractor by reason of a failure to furnish full and adequate protection.

While, as has been said, the principle is not involved in this case, it may be said, in passing, that the obligation and duty of protecting citizens of the United States in their passage through Territories infested by hostile tribes of savages, or settling permanently in said Territories, have been frequently conceded by the government. Congress has, year after year, appropriated public money and kept an army in the field, or ready to take the field for this purpose. Acts of indemnity by the government for losses by private citizens, and by citizens engaged in the government service, by depredations of hostile Indians have been very frequent. In the case of Magraw, mail-contractor from July, A. D., 1854, to August, 1856, on route from Independence, Mo., to Salt Lake (almost this identical route), the government gave him, by special enactment, \$17,750, for losses in stock, stations, and supplies, through Indian depredations during the two years he was engaged in transporting the United States mails on said route. As early as A. D. 1836, Saltmarsh, Avery & Co., mail-contractors in Georgia and Alabama, lost their property by the Creek Indians. The government, by special enactment, paid them for their losses \$9,779 (see Statutes at Large, vol. 6, p. 882). In the case of Livingston, Kinkead & Co., merchants, of Salt Lake City, one of the firm, *not in the government employ*, but traveling on the business of the firm as a passenger merely in one of Magraw's coaches, had in his possession \$10,000 in coin; the Indians attacked the coach and robbed the passengers; among other things they robbed this passenger of the \$10,000. The government, by special act of Congress, paid this amount to the firm to reimburse them for the loss. The case just quoted is an instance where the government recognized its obligation to protect the property of a passenger on a mail-coach by reimbursing him for a loss resulting from a failure to protect him, which is carrying the doctrine of protection much further than is claimed by the memorialist in this instance. Another case somewhat analogous is that of Moses D. Hogan (Statutes at Large, vol. 10, p. 843). Hogan contracted to deliver a certain number of cattle for the government service at Fort Sterling. The Indians stole and carried away a portion of the cattle; and Congress, by a special enactment, indemnified Hogan for the loss. Numerous other precedents might be quoted to show that Congress has frequently recognized the existence of an obligation on the part of the government, under exceptional and hard cases, to indemnify government contractors for losses sustained by reason of Indian depredations.

Your committee, therefore, on both principle and precedent, feel constrained, under the peculiar and exceptional circumstances presented by this case, to recognize the existence of an obligation on the part of the government to indemnify the memorialist for whatever loss he sustained, through no fault of his own, by reason of Indian depredations, while engaged in transporting said United States mail over said overland route between the Missouri River and Salt Lake, between the — day of September, A. D. 1861, and November 13, A. D. 1866. But your committee are not willing that the value and amount of property taken, or the loss suffered by the memorialist, should be determined on *ex-parte* affidavits alone; but believing that it is a case wherein the rights of the government can only be properly protected by an exercise of the privilege of cross-examination and by a thorough investigation in a court of competent jurisdiction, wherein the government shall be represented by counsel, and wherein not only the right of cross-examining the claimant's witnesses, but also to call witnesses of its own, shall exist, your committee decline to grant the prayer of memorialist, and refuse to recommend a direct appropriation; but, for the reasons herein stated, would refer the claims of memorialist to the Court of Claims for adjustment; and for such purpose report back the accompanying bill and recommend its passage, with, however, the distinct statement that nothing herein stated shall be regarded as a rule or precedent fixing the liability of the government to mail-contractors in any case wherein the peculiar circumstances of this case as herein presented are absent.

This report is adopted by your committee, except so much thereof as recommends the reference of the claims of memorialist to the Court of Claims.

On the 12th of March, 1878, the said bill being under consideration by the Senate, it was recommitted to the Committee on Claims, under the following resolution adopted by the Senate, viz:

Resolved, That the bill (S. 346) referring the claim of Benjamin Holladay to the Court of Claims be recommitted to the Committee on Claims, with instructions to report to the Senate what amount, if any, is equitably due the claimant on account of his claim; and the said committee shall have power to send for persons and papers and to take testimony—

The committee, under this resolution, re-examined the claim and, on the 13th of June, 1878, submitted the following report, which report your committee adopt:

Your committee state that, under the resolution of the Senate adopted March 12

1878, they proceeded to another and further examination of the claim of said Holladay, both as to his right in equity to be indemnified for his losses and damages above mentioned, and also as to the extent and amount of the same under the different heads of his said claim as stated in his memorial and exhibited in the proofs on file and the evidence offered by him under the reinvestigation made by this committee; and, in addition to the record and other testimony heretofore filed, your committee called and examined as witnesses on the part of said Holladay the following-named persons, viz: George K. Otis, of New York City, who was, from October, 1861, to September, 1863, employed by said Holladay in the business of the Overland Stage Line as his general financial agent, auditor, accountant, and as a purchaser of supplies for the same, and from October, 1863, to September, 1864, as the general superintendent of the entire stage-line, from Atchison, Kans., to Salt Lake City, and who had the supervision and control of the men, stock, material, stations—in short, everything pertaining to the said line—was called before the committee and examined at length.

The testimony of Ben. Holladay, the claimant and memorialist, was also taken by the committee; the testimony of Robert J. Spotswood, who was a division agent and messenger in the said stage-line, in the service of the claimant, from November, 1862, to the fall of the year 1866, was also taken by the committee. The testimony of George H. Carlyle, who was in the service of the claimant from the year 1862 to the year 1866, engaged in furnishing mail stations with grain between Fort Kearney and North Platte, a distance of 650 miles, and who was, also, at times, employed in other important duties in said stage-line during the period mentioned, was also taken by the committee. The committee also took the testimony of David Street, who was engaged in the service of the claimant on said line as paymaster, auditor of accounts against the line, and as a purchasing agent of supplies for the same, from May, 1862, to November, 1866; also the testimony of Edward F. Hooker, an experienced business man, and who had been engaged in staging on the plains west of the Missouri River between that river and the Rocky Mountains, and along a line afterward occupied by the claimant in the transportation of the mails of the United States; the testimony of General James Craig, at one time commander of the troops assigned to the duty of protecting the overland mail and telegraph lines from the spring of the year 1862 to the summer of 1863, connected with whose testimony will be found a communication in the line of his duty to General J. G. Blunt, United States Volunteers, commanding the Department of Kansas, in regard to the removal of the stage-line of the claimant carrying the United States mails from the North Platte and Sweet Water route to a route south of the same, passing through Bridger's Pass, sometimes called the "Cherokee trail" or route; also the testimony of General Robert B. Mitchell, of the United States Volunteers, on duty as such to protect the overland mail for a period of ten months, beginning in 1864 and extending over the time when Julesburg was destroyed by the Indians (February 2, 1865), embracing part of Colorado, Nebraska, and a portion of Utah.

The committee also examined at length Bela M. Hughes, of Denver, Colo., who, for several years, while Holladay was carrying the overland mail, was the attorney and general agent for said Holladay in his said business.

The committee state that the testimony of the witnesses by it taken, viz, of the said Carlyle, Spotswood, Hooker, Street, Craig, George K. Otis, Mitchell, and Holladay, taken and printed under resolution of the Senate of March 12, 1878, on part of the claimant, is herewith exhibited to the Senate, as well as the testimony of Col. Charles G. Otis, of the United States Volunteers, in behalf of the claimant, taken by the committee under the same resolution.

The last-mentioned witness was an officer on duty on the said stage-line from the summer of 1865 to the month of July, 1866, and had personal knowledge of Indian hostilities, the expense of the erection of buildings, the cost of grain and hay, the price of horses, and the value of the station destroyed at Little Laramie, on the said stage-line, during the period of his service in that disturbed region.

The committee also exhibit to the Senate the affidavits of the witnesses heretofore filed with the committee on behalf of the claimant, viz; of Pease, Flenus, Murray, Slade, Babcock, Bromley, Reid, Johnson, Eaton, Carlyle, Riddle, Lloyd, Ivins, Jerome, Thomas, Reynolds, Murphy, Hudnut, Quinn, Hughes, Brewer, Stewart, Spotswood, and Trotter, and printed under said resolution of the Senate last mentioned, together with the order of Col. John M. Chivington, colonel, commanding the district of Colorado, ordering in the year 1864 the change of part of the route on which the claimant was then transporting the United States mails.

The committee state that the evidence submitted tends to show the state of Indian hostilities and depredations along and upon the overland stage-line, owned by the claimant, at various periods of time, from the year 1861 to the fall of the year 1866, as well as that, for want of sufficient forces, the government had been unable to afford the necessary protection to the conduct of its mails and the vast property interest of the claimant herein, who transported the same, in the midst of the destruction of a great part of such property and the lives of many of his employes engaged in promoting that service.

And your committee also report the testimony of Robert Foote, T. B. Murdock, and N. F. Frazier, taken on the part of the United States by it.

Mr. Frazier states that he was in the service of the claimant from November, 1864, to the fall of 1866, employed at Little Blue, Kiowa, and Big Sandy stations, east of Fort Kearney, a period of time beginning three months after the destruction of the stations on that part of the stage-line and the murder of many persons, which facts are embodied in other evidence taken before the committee.

The witness states that all he knew of the business or operations of the stage-line was in regard to that part thereof which was east of Fort Kearney. He was engaged on the line in 1864, when he was 17 years of age, and quit at 19 years of age.

He gives some evidence in regard to three or four horses which had only strayed away while he was there, and were subsequently recovered, and which seem not to have been claimed as lost.

He also stated that the stations of the line east of Kearney were principally constructed of logs and covered with earth and poles, but could give no estimate in regard to their value.

Mr. Foote, called on part of the United States, stated that he was paid \$1,500 for putting up the Pine Grove and Bridger's Pass stations, which were very plain.

These stations, Mr. Foote states, were destroyed in 1867, after Holladay had sold out (November previous) all his interest in the stage-line, and the only damage to either of these stations derived by Holladay is for injury to and depredations on property at Pine Grove station of \$500, and for depredations on property at Bridger's Pass station, May 19 and May 26, 1865, of \$2,100, the stations being destroyed after Holladay's ownership ceased.

In regard to the loss of stock by Holladay, Mr. Foote knew nothing, but gave evidence in regard to the price of corn at Fort Laramie in 1862, and at Fort Halleck in 1864, and rates the same at 10 to 12 cents per pound at these places and dates. This proof is not applicable, as no claim is made for grain destroyed or taken from stations near these posts in these years. However, the evidence in the affidavits heretofore filed, and the evidence now taken by this committee on the part of claimant, is satisfactory in regard to the value of the grain destroyed and taken at various dates on the stage-line; and in this behalf the committee refer to the evidence of David Street, the paymaster of the stage-line; George K. Otis, financial agent of the same; General R. B. Mitchell, Edward F. Hooker, Robert J. Spotswood, one of the division agents for the line; and George H. Carlyle, who was in the service of the same from 1862 to 1866, and directly engaged in hauling and purchasing grain for its use during that period, whose actual personal knowledge of the prices of grain in that region must be paramount.

Another witness called on the part of the United States, T. B. Murdock, a bugler in the military service at the time, gave his opinion as to the value of stations on the line generally, and the value of mules at Fort Halleck from "the middle of July, 1862," to the first of November, 1863, reducing the value of the stations, by giving his opinion of their cost, and value of the mules of the line, as established by other evidence and by proof of what emigrants sold them for; but the preponderance of the testimony is opposed to this witness; and it was given by those who had superior means of knowledge; that is, by those whose business it had been to put up and pay for the stations, and to purchase mules for the line. The witness named could only speak of mules sold by emigrants to the West, which it is hardly probable would be fit for use on the stage-line.

The affidavit of R. L. Pease, on file in this case, stated "that during the summer of 1863, thirty-four head of stage-mules were taken off the stage-line near Fort Halleck". The witness, Mr. Murdock, states that such a number of mules was not stolen "from that station (Fort Halleck) by the Indians, or any one else at that time." It will be observed that the statement of Mr. Pease did not confine the loss to the station at Fort Halleck alone during the summer of 1863; and if there was any conflict between the evidence of these persons, the committee would prefer to give credence to the statement of Mr. Pease, who was an agent of the line at the time, and acquired his knowledge in the line of his duty. His testimony as to the loss comes from one likely to know it, and the mere fact that another person who had no connection with the line, had no knowledge of the matter, does not affect the value of his evidence at all in our judgment.

Of the losses on the stage-line after the 1st of November, 1863, the witness Murdock could give no evidence, as he had left the country at that date, as he states, and his evidence in no manner affects the evidence of R. J. Spotswood, who testifies as to the losses on that division of the line, and of which he had charge from the month of October, 1864, to the fall of 1866, as he states in his evidence taken by the committee. It will be borne in mind that the division of Spotswood extended from Denver west to the North Platte River, and embraced the region twenty miles west of Fort Halleck, and over two hundred miles east of that fort.

This witness also testified in regard to the probable cost of the stations at Pass

Creek and Medicine Bow, neither of which was destroyed, and neither involved in this investigation, save the injury to the *corral* at the latter. He also gave evidence in regard to the value of the property, houses and barns, burnt at Julesburg; but the evidence of others is opposed to his testimony, and was given by those who had better opportunities to know the value of that property and its cost. He also gave evidence in regard to the probable cost of Little Laramie station, burnt on Spotswood's division in 1865; but the committee has preferred to take the valuation given by Mr. Spotswood, who had means of knowing the cost and value thereof, whose reputation was so well established by witnesses on both sides of this case, and whose demeanor before the committee left such a favorable impression of the witness. Besides, the witness Murdock was, at the time he was stationed on the stage-line, not exceeding twenty-three years of age, a bugler in the service, and could not have acquired much experience in the cost and value of building, and more particularly in a country where the expense of constructing houses and barns—structures of any kind—was very great as compared with the construction in other places, and it does not appear that he had been engaged in any such work, and became thus competent to testify with certainty in the premises. This witness, Murdock, also testified that "Holladay had a just and valid claim against the government"; and further stated that "all he found fault with was that he had claimed too much for property destroyed; but that he might be mistaken about that."

But to conclude this point and confirm the opinion we have arrived at in regard to the loss of the station at Little Laramie, we take the evidence of Col. Charles G. Otis, of the United States Volunteers, who was stationed on the stage-line and was acquainted with that station, and who gives his opinion against that of the witness Murdock, and in his testimony before the committee says that he should think "the cost of it would be \$3,000 to \$3,500, with its surroundings, stables, and corrals generally."

The witness Murdock testified that, in his opinion, "\$10,000 would put up all the buildings that were at Julesburg in 1863," when he saw them last. His evidence is controverted by the evidence of George K. Otis, who was familiar with the property there, and also by the evidence of Col. Edward F. Hooker, both of whom were men of mature age and experience, and had been a long time conversant with business, and were less likely to err in a matter of computation of value than a young man of twenty-three years of age, who did not show that he had any experience in such matters, the evidence of Messrs. Otis and Hooker being maintained fully by the evidence of David Street, so long in the service of the stage-line and familiar with the property of the same.

Your committee also exhibit to the Senate the testimony taken on the part of the United States, printed under the resolution last mentioned, viz, Robert Foote, T. B. Murdock, and N. F. Frazier, which is elsewhere referred to in this report.

After a careful examination of all the testimony in this case, your committee have decided to adhere to the conclusion arrived at in their former report as to the right of the memorialist Holladay, in equity, to compensation on account of the claims made by him; and this opinion has been strengthened and confirmed by the examination of several important witnesses on the part of the claimant, whose *ex-parte* affidavits had been filed theretofore in the case, as well as other important witnesses who had not been called to testify previously.

Your committee find, from the evidence adduced in this case, that in the summer of the year 1862, in consequence of Indian hostilities, about 300 miles of the mail line of the claimant was so damaged, broken up, and infested by Indians as to compel its abandonment by the claimant, under approval of the Post-Office Department and of the officer in command of the military forces assigned to protect the overland mails, and to select a route farther south, involving the establishment of a new line altogether for a distance in length of over 500 miles, and distant from 100 to 300 miles from the old line, thus transferring the transportation of the mails from the North Platte and Sweetwater route to the route known as the route through Laramie Plains, Bridger's Pass, and along Bitter Creek, and your committee find that this removal was an absolute necessity; that, as stated by General James Craig in his evidence before the committee, it was not possible to protect the line against the Indians, and it could only be kept up "with the consent of the Indians themselves," and that the claimant was promised both protection to his conduct of the mails and indemnity for his losses by the President of the United States. The removal thus mentioned involved the abandonment of 26 mail-stations and a large amount of forage and articles of value necessary to the running of the stages, and the memorialist was compelled to construct new stations along the new line, 25 in number, at a large expense, as shown by the testimony, two of which (Sage Creek and Little Laramie) were destroyed and one (Pine Grove) damaged by the Indians, which destruction and damage constitute part of the claim made under another head.

Your committee find, from the testimony, that the memorialist sustained by the re-

removal from the old line referred to above damages to the extent of \$77,000. (See Appendix A for details.)

Your committee further find that, in pursuance of a military order of Col. J. M. Chivington, commanding the district of Colorado, which appears in the printed testimony returned by the committee, the memorialist, Holladay, was compelled to remove and did remove the stage-line from the so-called Platte River Route to the so-called Cut-off Route, being forced thus to abandon some of his stations on 140 miles of road, and to remove 12 others to the new road, and rebuild the same at great loss and expense on such new line.

The testimony tends to show that the damage to the memorialist of this removal of line under the Chivington order, embracing as it did the transfer of houses, barns, hay, grain, and other articles, and rebuilding structures necessary to the line, was in the neighborhood of \$50,000. (See Appendix B for details.)

Your committee find from the testimony given in the case that a large amount of grain, hay, feed, provisions, and property, belonging to the memorialist, Holladay, was taken and used from time to time between October 23, 1864, and December, 1865, by the military forces of the United States scattered along the route of the new stage-line for its protection; quantities of wood, hauled for the use of stations, appropriated, and even houses and stables used for fuel by them, for none of which vouchers were given. Your committee report that the testimony on this head of claim tends strongly to show that the value of the property taken thus by the military forces—grain, hay, wood, and provisions, including the houses and stables destroyed—was in the neighborhood of \$30,000. (See Appendix C for details.)

Your committee further report that the evidence tends strongly to show that the damages sustained by the memorialist, Holladay, while carrying the mail of the United States, by reason directly of depredations and hostilities of the Indians along his route, was \$369,739; which sum, added to the other sums above found, makes a total of \$526,739 damages sustained by said memorialist in the discharge of his duties in the carrying of the mails. (See Appendix D for details.)

The mails were, at a critical period, carried with a courage and fidelity which deserve recognition at the hands of the government. The aggregate of the losses is large, but this surely is not a good reason why they should not be settled or paid. The memorialist has now been pressing his claim upon Congress for twelve years.

Before concluding this report, your committee would call the attention of the Senate to the action of Congress in like case, cited in the former report of their committee, as well as to its action relieving John R. Beckley, a mail-contractor injured by the results of war during the years 1862, 1863, 1864, and 1865, in the State of Kentucky. There are many precedents for such action since the foundation of this government, dictated by a sound discretion and sense of justice to its citizens.

We would also cite the action of Congress, in the claim of Elbridge Gerry, of Colorado Territory, for losses by Indian hostilities, the report of the Committee on Indian Affairs of the Senate, therein made by Mr. Corbett, a Senator from Oregon (No. 38, second session Forty-second Congress, dated February 12, 1872), with the accompanying bill, which was passed June 10, 1872, and will be found at page 701 of volume 17, of General Statutes of United States, allowing him \$13,000.

Said report made by Mr. Corbett, is as follows:

The Committee on Indian Affairs, to whom was referred the petition of Elbridge Gerry, make the following report:

The petition sets forth the petition of Elbridge Gerry, for the sum of \$30,600; said claim being based upon his alleged losses in 1864, in which he sets forth his losses to be the amount above named, as follows:

August 21, 1864. By the Cheyenne Indians, for 63 head of horses and mules, at \$200 each	\$13,200
August 18, 1865. By the Brulé Sioux Indians, 21 head of horses, at \$200 each ..	4,200
October 21, 1865. By Ogallalla Sioux Indians, 88 head brood-mares and young stock, at \$150 each	13,200

This claim is sustained by a letter of Vital Jarrot, United States Indian agent, dated Fort Laramie, July 12, 1866, inclosing the acknowledgment of said Indians that they did take and appropriate said stock to their use, and that no part of said stock has ever been returned to said Gerry. The claimant alleges that he rendered important services to the people of Colorado, by leaving his house on the night of the 19th August, 1864, and warning the people and the governor of an impending attack by the Indians, which two friendly chiefs had informed him would take place on the 21st of August, which information was given him for his own protection; that by reason of his leaving home to give this information, the Indians became hostile to him, and have, since that time, taken from him said property. These facts are sustained by the

report of the Commissioner of Indian Affairs, 1864, pages 219 and 232; also by letter of John Evans, late governor of Colorado Territory, dated Denver, November 12, 1869.

In consideration of the foregoing statement, and the sworn statement of Elbridge Gerry, the committee recommend an allowance, as follows:

For the 66 head of horses and mules lost on the 21st August, 1864.....	\$3,300
For the 21 head of horses lost August 18, 1865.....	1,050
For the 88 head of brood-mares and young stock lost October 21, 1865.....	3,300

which amounts, when paid, shall be charged to the respective tribes who took the said stock, and shall be deducted from any annuities or money due or to become due said respective tribes. We herewith report a bill for the payment of the same.

It will be borne in mind that Holladay, the claimant, sustained his losses while carrying the transcontinental mails through the same region at a period when their transportation was of highest importance to the whole country.

Mr. Holladay's losses were very large, and we think he is equitably entitled to some relief. Under all the circumstances, we have concluded to recommend that he be paid the sum of five hundred and twenty-six thousand seven hundred and thirty-nine dollars, in full payment and satisfaction of all claims of said Holladay against the United States for spoliation by hostile Indians on his property while carrying the United States mails during the existence of Indian hostilities on the line of said mail-route; for property taken and used by United States troops for the benefit of the United States; and for losses of property and expenses incurred in changing his mail-route, in compliance with the orders of the United States commanding officer; and we accordingly report the accompanying bill and recommend that it do pass, when amended as proposed.

APPENDIX A.

The cost of removal from the North Platte and Sweet Water, or South Pass route, to the route through Bridger's Pass, along Laramie Plains and Bitter Creek, sometimes called the Cherokee Trail, or Butes Creek route, and the damages incident to it, is shown by the affidavit of Col. Isaac E. Eaton (p. 12) in the printed copies of evidence. He was superintendent of the Overland Mail Line under Holladay, in 1862, when the Indian raids, detailed in his evidence, were perpetrated. He states that Holladay was compelled to abandon 26 stations, worth \$2,000 each, and a large amount of forage, and other articles of value, necessary to the running of the line, of the amount of which he could form no true estimate; but Holladay, who had to pay for supplies to replace those lost on the old line, and abandoned, under the enforced removal, states (p. 63 of printed evidence) that the sum of \$25,000 would not cover these losses.

Under the circumstances, the line being changed in the face of hostile savages, it must be apparent that no exact computation could be made of the various articles of equipment existing necessarily at each of the twenty-six abandoned stations, as the removal was a retreat in the face of a vigilant and dangerous foe, in the midst of actual hostilities, and under the apprehension of destruction to the lives of the employés. There could have been no time for anything like taking account of the articles left behind. The hostile attitude of the savages is abundantly proven by General Craig, who stated that the line could only have been kept up "by consent of the Indians; and the removal ordered was a wise measure in all respects." (P. 55 of printed evidence.) David Street, an officer of the line (p. 51 of printed evidence), testifies to the abandonment of a great deal of valuable property, owing to the hasty manner of the removal; and also that the stations abandoned were of a substantial character, all of them; and that the one at Horse-Shoe Creek, which was a supply-station, was a blacksmith shop, coach and harness shop, warehouses, lodging-houses, offices, and corrals, of the most substantial nature, erected at heavy outlay.

APPENDIX B.

The cost of removal from the Platte River route to the so-called Cut-off route, by order of Colonel Chivington, is shown by the evidence (p. 56) of George K. Otis, who gave instructions for it, as he was then acting as superintendent of the line.

He states that he made an estimate of the cost—knowing the number of teams necessary, the distance to haul, as well as an estimate of the loss of grain and hay in removal—and that he is well satisfied that it did cost \$50,000; fully that, if not more.

David Street (p. 51 of the evidence) sustains Otis in the statement he makes, that the line was subjected to heavy losses in consequence of the removal.

The evidence of the claimant is to the effect that he objected to removal, stating to the military officer that winter was on him, the stations then supplied, the grain-sacks emptied into bins, and the sacks sent off to be filled again, fuel procured, &c.; and that the stations had to be pulled down, hauled, and put up again; all which he represented to that officer.

Edward F. Hooker (p. 48 of evidence) states that, in his opinion, the loss of hay and grain, and putting up new stations, the labor of removal, &c., would cost not under \$5,000 a station.

George H. Carlyle (p. 35 of evidence) stated that the sum of \$50,000 for removing the station, and the loss of grain and hay and corrals, and wood, &c., was not too great. His evidence is very full on the subject, and minutely describes the process of removing stations, and the distance for removal from 25 to 60 miles.

William Reynolds, superintendent of the line (p. 20 of the evidence), also states matter of importance in regard to the damage by removal, showing the nature of the removal, its incidents, and extent of work necessary to accomplish the act.

APPENDIX C.

The damages sustained by the claimant for grain, fuel, hay, &c., used by the military forces in the line of the claimant in the Territory of Colorado, is proven by Carlyle (p. 35 of the evidence). He states that the military forces took at one time twenty-nine head of oxen from the line at Fort Kearney, worth \$100 a head, and one hundred cords of wood at Julesburg, worth \$50 a cord; and that from what he knew to have been destroyed and used by the soldiers, he did not consider \$30,000 an overestimate of the damage inflicted by the military on the line of the claimant, and that when a receipt for anything used was wanted it was refused. He stated that they were in the habit of going to stations and getting whatever was wanted by them, grain or provisions, until to stop the raids a military order was procured, and that this damage was done between October, 1864, and December, 1865.

David Street (p. 51 of the evidence) also gave evidence that the line was subjected to serious losses in consequence of damage done and property taken by the United States soldiers.

Then, George K. Otis states (p. 56 of the evidence) that he made the estimate of the damages done by the military forces to the property of the claimant, and that he made the estimate of \$30,000 after consultation with the division agents and men employed on the stage-line; that no record could be kept of the property taken or used, or what was eaten up and consumed; but from the number of troops constantly passing up and down the road, he was satisfied that at least \$30,000 would be required to indemnify the claimant.

William Reynolds (p. 20), superintendent of the line from October, 1864, to March 1866, stated that large amounts of grain and hay and wood were consumed by the military forces on the line, the property of claimant, while he was superintendent of the line, and several houses and stables used for fuel and other purposes.

APPENDIX D.

I.

The Indian depredations on the stage-line of the claimant, as established by the evidence, appear as follows:

A. D. 1863. 173 horses and 34 mules, near Fort Halleck, page 4, printed evidence of R. L. Pease, total value.....	\$41,400 00
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II.

Loss at 3-Crossings Station:	
April 16, 1862. 22 mules and horses, at \$225 each	\$1,950 00
10 sets 4-horse harness, at \$110 each	1,100 00
3 head oxen, at \$50 each	150 00
April 17, 1862. 9 head mules, at \$200 each	1,800 00
9 sets 4-horse harness, at \$110 each	990 00
Damage to two coaches	500 00
	6,390 00

At Plant Station:

April 18, 1862.	5 mules, at \$200 each.....	\$1,000 00
	4 horses, at \$225 each.....	900 00
	20 sets 4-horse harness, at \$110 each.....	2,200 00
April 20, 1862.	2 mules, at \$200 each.....	400 00
		<hr/>
		4,500 00
		<hr/>

At Ice Spring Station:

April 23, 1862.	10 mules, at \$200 each.....	2,000 00
	5 sets 4-horse harness, at \$110 each.....	550 00
	1 cow and ox, at \$50 each.....	100 00
		<hr/>
		2,650 00
		<hr/>

At Strawberry Station:

May 23, 1862.	35 sacks barley, 3,500 pounds, at 15 cents per pound.....	525 00
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At Upper Crossings Sweet Water:

	18 sacks barley, 1,800 pounds, at 15 cents.....	270 00
		<hr/>
		795 00
		<hr/>

Damage done to stations at 3-Crossings, Sweet Water, Split
Rock, and Ice Springs, each \$500.....

1,500 00

To establish the damages above claimed, reference is made to the evidence of Flow-
ers, division agent (p. 3 of evidence); R. Murray, employé (p. 4 of same).

III.

Loss at Sweet Water Bridge:

April 18, 1862.	8 mules and horses, at \$200 each.....	\$1,600 00
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At Horse Creek Station:

Mar. 23, 1862.	5 horses, at \$175 each.....	875 00
	18 mules, at \$225 each.....	4,050 00
		<hr/>
		6,525 00
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At Red Buttes:

April 1, 1862.	15 mules and horses, at \$125 each.....	2,625 00
April 21, 1862.	6 mules and horses, at \$175 each.....	1,050 00

At Platte Bridge Station:

March, 1862.	13 mules, at \$150 each.....	1,950 00
		<hr/>
		5,625 00

To prove the loss above claimed, reference is made to the evidence of J. A. Slade,
division agent (p. 7 of evidence).

IV.

Loss at Big Sandy Station

April, 1862.	18 mules, at \$225 each.....	\$4,050 00
	4 horses, at \$225 each.....	900 00
	1.4-horse harness.....	110 00
		<hr/>
		5,060 00
		<hr/>

V.

At Green River Station:

April, 1862.	100 sacks barley, 100,000 pounds, at 15 cents.....	\$1,500 00
	50 sacks oats, 5,000 pounds, at 15 cents.....	750 00
		<hr/>
		2,250 00
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This is proven by Babcock (p. 8 of evidence.)

VI.

Loss at Dry Sandy Station:

Mar. 15, 1862.	2 mules, at \$200 each.....	\$400 00
		<hr/>

At Green River Station:

April 20, 1862.	5 horses, at \$200 each	\$1,000 00
	6 sets harness, at \$20 each	120 00
	120 sacks oats, at \$5 each	600 00
	480 empty sacks, at 60 cents each	288 00
	Damage done to station	600 00
		<u>2,608 00</u>

At Big Sandy Station:

June 7, 1862.	4 mules, at \$200 each	800 00
	20 sacks oats, at \$5 each	100 00
	3 tons hay, at \$30 per ton	90 00
	Damage to station	500 00
		<u>1,490 00</u>

At Muddy Station:

June 12, 1862.	4 mules, at \$200 each	800 00
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At Bear River Station:

	2 horses, at \$100 each	200 00
	Damage to station at Pacific Springs, Dry Sandy, and Little Sandy, at \$500 each	1,500 00
		<u>2,500 00</u>

At Little Sandy Station:

	30 sacks oats, at \$5 per sack	150 00
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To establish the losses above, reference is had to the evidence of J. E. Bromley, division agent, pages 8 and 9 of the same printed evidence.

VII.

At Split Rock Station:

Mar. 1, 1862.	10 mules, at \$200 each	\$2,000 00
	1 horse, at \$200	200 00
	12 sets of single harness, at \$20 each	240 00
Mar. 30, 1862.	7 mules, at \$200 each	1,400 00
	8 sets single harness, at 20 each	160 00
		<u>4,000 00</u>

At Rocky Ridge Station:

April 18, 1862.	6 mules, at \$200 each	\$1,200 00
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To prove this loss, reference is made to the evidence of W. A. Reid, division agent, pages 8 and 9 of evidence.

VIII.

At Wells Station:

April 20, 1862.	2 horses, at \$150 each	\$300 00
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This loss is established by the evidence of Johnson, page 9 of evidence.

IX.

Loss at Midway Station:

August, 1864.	Dishes and furniture destroyed	\$500 00
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At Platte Station:

	4 horses, at \$350 each	1,400 00
	250 sacks corn, 28,000 pounds, at 20 cents	5,600 00
	10 tons of hay, at \$40 per ton	400 00
		<u>7,900 00</u>

At Plum Creek Station:		
250 sacks corn, 28,000 pounds, at 20 cents per pound.....	\$5, 600 00	
At Craig Station:		
250 sacks corn, 28,000 pounds, at 20 cents per pound.....	5, 600 00	
29 head of oxen, at \$100 each.....	2, 900 00	
		14, 100 00

The evidence to prove these losses consists of the proof made by George H. Carlyle and Solomon Riddle, pages 11, 12, 13, 14, of the printed evidence, reported.

X.

Losses at Diamond Springs:

August, 1864. 250 sacks corn, 28,000 pounds, at 20 cents.....	\$5, 600 00	
15 tons hay, at \$40.....	600 00	
		6, 200 00

At Sand Hill Station:

250 sacks corn, 28,000 pounds, at 20 cents.....	5, 600 00	
15 tons hay, at \$40.....	600 00	
		6, 200 00

At Alkali Station:

250 sacks corn, 28,000 pounds, at 20 cents.....	5, 600 00	
20 tons hay, at \$40.....	800 00	
		6, 400 00

At Elk Horn Station:

65 sacks corn, 7,280 pounds at 20 cents.....	1, 456 00	
10 tons hay, at \$40.....	400 00	
		1, 856 00

At Cold Spring Station:

40 sacks corn, 4,480 pounds, at 20 cents.....	896 00	
15 tons hay, at \$40.....	600 00	
		1, 496 00

At Gilman's Station:

30 sacks corn, 3,360 pounds, at 20 cents.....	672 00	
At Midway Station:		
30 sacks corn, 3,360 pounds, at 20 cents.....	672 00	
15 tons hay, at \$40.....	600 00	
		1, 944 00

At Willow Island:

August, 1864. 50 sacks corn, 5,600 pounds, at 20 cents.....	1, 120 00	
10 tons hay, at \$40.....	400 00	
		1, 520 00

At Plum Creek:

15 tons hay, at \$40.....	600 00	
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At Julesburg:

Jan. 7, 1865. 1 mule.....	100 00	
1 set 4-horse harness.....	120 00	
		820 00

On the road:

Jan. 19, 1865. 2 stage horses and harness.....	450 00	
Sept. 4, 1 horse shot out of team.....	200 00	
		650 00

For the evidence to establish these losses above mentioned, see evidence of Riddle, pages 13, 14, of printed testimony; Murphy, also, pages 23, 24, of same.

XII.

Loss at Junction Station :

July 16, 1864. 5 stage-horses, \$250 each..... \$1,250 00

At Beaver Creek :

1 horse, at \$250..... 250 00

At Lupton Station :

Aug., 1864. 1 horse..... 250 00

1,750 00

At American Ranch :

Jan., 1865. 8 horses, \$250 2,000 00

2 sets 4-horse harness, \$110 each 220 00

2 horses, \$250 each 500 00

58 head of oxen, \$100 each 5,800 00

8,520 00

At Antelope Station :

Aug., 1864, to Jan., 1865. House, barn, and corral burned..... 5,000 00

25 tons hay, at \$50 1,250 00

125 sacks corn, 14,000 pounds, at 20 cents 2,800 00

9,050 00

At Spring Hill :

Houses, barns, and furniture destroyed 6,000 00

20 tons hay, at \$50 1,000 00

90 sacks corn, 10,000 pounds, at 22 cents 2,217 60

9,217 60

At Dennison Station :

Barn and corral burned..... 2,500 00

25 tons hay, at \$50 1,250 00

200 sacks corn, 22,400 pounds, at 22 cents..... 4,928 00

8,678 00

At American Ranch :

Barn destroyed; burned..... 1,500 00

30 tons hay, at \$50 1,500 00

227 sacks corn, 25,424 pounds, at 22 cents..... 5,593 00

8,593 00

XI.

Losses at Summit Station :

Aug., 1864. Station, furniture, and bedding destroyed \$2,500 00

At 32-Mile Creek Station :

Furniture, crockery, and stores destroyed 2,500 00

5,000 00

At Little Blue Station :

Furniture and grain destroyed 2,000 00

2 horses killed on the road, \$200 each 400 00

2,400 00

At Pawnee Ranch :

4 horses, \$200 each 800 00

At Muddy Station :

1,500 pounds corn, 12 cents 180 00

980 00

At Lone-Tree Station:

Station destroyed	\$1,000 00
9 horses taken, \$200 each	1,800 00
5 horses killed in escaping from the Indians	1,000 00
	<hr/>
	3,800 00
	<hr/>

At Liberty Town:

2 sets double harness, \$110 each	220 00
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At Summit Station:

200 bushels corn, 11,200 pounds, at 12 cents	1,344 00
	<hr/>
	1,564 00
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The evidence in regard to the above losses will be found at pages 15, 16, 17, 18, of printed proof given by Lloyd, Ivins, and Jerome.

At Murray's Ranch:

Aug., 1865. 15 tons hay	\$750 00
Junction Ranch:	
10 tons hay, \$50	500 00
Bijou Station:	
7 tons hay, \$50	350 00
	<hr/>
	1,600 00
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Valley Station:

20 tons hay, \$50	1,000 00
Beaver Creek Station:	
75 sacks corn, 8,400 pounds, 22 cents	1,848 00
Murray's Station:	
100 sacks corn, 11,200 pounds, 22 cents	2,464 00
	<hr/>
	5,312 00
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Junction Station:

100 sacks corn, 11,200 pounds, 22 cents	2,464 00
Bijou Station:	
48 sacks corn, 5,376 pounds, 22 cents	1,182 72
Toll-gate Station:	
20 tons hay, \$50	1,000 00
	<hr/>
	4,646 72
	<hr/>

Box Elder Station:

Aug., 1865. 10 tons hay, \$50	500 00
Kiowa:	
15 tons hay, \$50	750 00
Living Springs:	
5 tons hay, \$50	250 00
Rock Bluff:	
7 tons hay, \$50	350 00
	<hr/>
	1,850 00
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These losses are shown by the evidence of Thomas (page 19 of evidence) and evidence of Wm. Trotter (page 34).

Liberty Farm:

Aug. 12, 1864. Coach burned up	\$1,200 00
Elkhorn:	
Sept., 1864. Station burned	3,500 00
Sand Hill,	
Feb., 1865. Station burned up	2,500 00
	<hr/>
	7,200 00
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These losses are established by the evidence of Captain Murphy (pp. 23, 24, 25 of the evidence), and the value by the evidence given before the committee by G. H. Carlyle (p. 35 of proof filed).

XIII.

Losses at Julesburg:

Jan. 7, 1865.	2 bales clothing.....	\$1,500 00
	1 mule	200 00
		<hr/> 1,700 00
Feb. 2, 1865.	Barns, sheds, houses, warehouse, telegraph-office, black-smith shop, destroyed by fire.....	35 000 00
	30 tons hay, \$50.....	1,500 00
	3,500 sacks corn (392,000 pounds, 20 cents)	78,400 00
	Provisions and stores.....	2,000 00
	1 horse taken	200 00
		<hr/> 115,100 00

The proof in regard to this destruction of property will be found in the evidence of Kiddle (p. 13); Thomas (p. 19); Quinn (p. 26); Brewer (p. 28); Carlyle (p. 35); Hughes (p. 28).

Loss at Bridger's Pass:

May 19, 1865.	Flour and a Sharp rifle	\$100 00
	At Sage Creek:	
May 22, 1865.	9 horses, \$200 each	1,800 00
June 8, 1865.	5 horses, \$200 each	1,000 00
	1 set four-horse harness.....	120 00
	Station and barn burnt	2,500 00
		<hr/> 5,420 00

At Bridger's Pass:

May 26, 1865.	9 horses, \$200 each.....	1,800 00
	8 sets single harness, \$30 each.....	240 00
	Supplies, about	100 00

At Pine Grove:

June 9, 1865.	Cook-stove and harness, &c., say.....	200 00
		<hr/> 2,340 00

At Sulphur Springs:

June 19, 1865.	34 stage-horses, \$200 each	6,800 00
	9 mules, \$150 each	1,350 00

8,150 00

These losses will be shown by the evidence of James Stewart, division agent (p. 30 of printed proof on file).

XIV.

Elk Mountain Station:

June, 1865.	22 mules, \$200 each	\$4,400 00
	4 horses, \$225 each.....	900 00
	2 ponies, \$50 each.....	100 00
		<hr/> 5,400 00

Sulphur Springs Station:

June, 1865.	6 mules, \$200 each	1,200 00
	1 horse	225 00

Medicine Bow Station:

July, 1865.	2 ponies	100 00
	Corral destroyed	150 00
		<hr/> 1,675 00

Rock Creek Station:

	1 pony	50 00
	Corral destroyed.....	250 00

300 00

Cooper's Creek:

1 pony	\$50 00
Corral destroyed, doors and windows destroyed, cooking and box stove destroyed	390 00
	<hr/> 440 00

Willow Springs Station:

Aug., 1865. 6 mules, \$200 each	1,200 00
2 horses, \$225	4,500 00
1 pony	50 00
Corral destroyed	250 00
	<hr/> 6,000 00

Virginia Dale:

July and August, 1865. 2 mules, \$200 each	400 00
1 mare and colt	250 00
8 cows, \$50 each	400 00
1 mule killed	200 00
1 bull killed	75 00
	<hr/> 1,325 00

Stonewall Station:

August, 1865. 2 yoke of oxen, each \$100	200 00
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Little Laramie:

Station and corral destroyed	3,500 00
	<hr/> 3,700 00

These losses are shown by the evidence of Spotswood (pp. 32, 33, 34, 43, 44, 45, 46, 47). The value of horses, oxen, mules, hay, grain, harness, is shown by all the testimony in the case, especially by Street, Carlyle, Spotswood, Hooker, George K. Otis, Col. Charles G. Otis, and General Mitchell; the value of horses fit for staging being shown to be from \$150 to \$250 on each, and mules for the same purpose even higher in price; the value of harness from \$100 to \$120 a set; oxen as high as \$200 per yoke; hay, from \$30 to \$80 per ton; grain, from 15 to 20 cents per pound; these prices resulting from the state of war, the great demand, and the Indian outrages on the plains. See, also, evidence of B. M. Hughes, (pp. 87, 88) in regard to this point, taken by the committee.